

Case No. 5404/18

## DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD OF INDUCING GENE EXPRESSION IN PLANT AND PLANT TREATED THEREBY, the specification of which:

- ☐ is attached hereto.
- ☒ was filed on February 15, 2002 as Application Serial No. 10/049,710.
- ☐ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

2000-180466

## Japan

15/06/2000

(Number)

(Country)

(Day/Month/Year Filed)

☒☐

Yes

No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PCT/JP01/05096

June 15, 2001

Pending

(Application Serial No.)

(Filing Date)

(Status-patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Inventor's Signature**

Full name of sole or first inventor

## Residence

## Citizenship

Post Office Address

## Atsuhiko Shinmyo

Nara, Japan

Japanese

1-4, Tatsutakita 4-chome, Ikarugacho, Ikoma-gun, Nara 636-0151, Japan

Date:

JUN. 1 1. 2002



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PATENT TRADEMARK OFFICE

Case No. 5404/18

Inventor's Signature  
Full name of second joint inventor, if any  
Residence  
Citizenship  
Post Office Address

*Kou Kato*

Date:

JUN. 11. 2002

Kou Kato  
Kyoto, Japan  
Japanese  
25-304, Konforu-kabutodai, 1-3, Kabutodai 5-chome, Kizucho, Soraku-gun,  
Kyoto 619-0224, Japan

Inventor's Signature  
Full name of third joint inventor  
Residence  
Citizenship  
Post Office Address

*Yasuhiro Yamada*

Date:

JUN. 11. 2002

Yasuhiro Yamada  
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Inventor's Signature  
Full name of fourth joint inventor  
Residence  
Citizenship  
Post Office Address

*Takuya Nihira*

Date:

JUN. 11. 2002

Takuya Nihira  
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Inventor's Signature  
Full name of fifth joint inventor  
Residence  
Citizenship  
Post Office Address

*Takuya Shindo*

Date:

JUN. 11. 2002

Takuya Shindo  
Hyogo, Japan  
Japanese  
3-33-303, Sumauradori 2-chome, Suma-ku, Kobe-shi, Hyogo 654-0055, Japan

Inventor's Signature  
Full name of sixth joint inventor  
Residence  
Citizenship  
Post Office Address

Date:

Inventor's Signature  
Full name of seventh joint inventor  
Residence  
Citizenship  
Post Office Address

Date:

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200

Inventor(s): Atsuhiko Shinmyo et al.Title: METHOD OF INDUCING GENE EXPRESSION IN PLANT AND PLANT TREATED THEREBY

## POWER OF ATTORNEY

The specification of the above-identified patent application:

- ☐ is attached hereto  
☒ was filed on February 15, 2002 as application Serial No. 10/049,710

I hereby revoke all previously granted powers of attorney in the above-identified patent application and appoint the following attorneys to prosecute said patent application and to transact all business in the Patent and Trademark Office connected therewith:

Richard G. Lione - 19,795  
Jeffery M. Duncan - 31,609  
Gregory M. Zinkl, Ph.D. - 48,492

Please address all correspondence and telephone calls to Richard G. Lione in care of:

Brinks Hofer Gilson & Lione  
P.O. Box 10395  
Chicago, IL 60610  
(312)321-4200

The undersigned hereby authorizes the U.S. attorneys named herein to accept and follow instructions from Richard G. Lione as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

Kaneka Corporation, a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application identified above, a copy of which is attached hereto.  
OR  
☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, frame \_\_\_\_\_.  
OR  
☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, frame \_\_\_\_\_, or a copy thereof is attached.
2. From \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, frame \_\_\_\_\_, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned has reviewed the assignment or all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature: Tatehiko Nishida Date: JUN. 11, 2002  
Name: Tatehiko Nishida  
Title: General Manager, Patent Department

ASSIGNMENT

WHEREAS, Atsuhiko Shinmyo, Kou Kato, Yasuhiro Yamada, Takuya Nihira and Takuya Shindo hereinafter called the "Assignors", have made the invention described in the United States patent application entitled METHOD OF INDUCING GENE EXPRESSION IN PLANT AND PLANT TREATED THEREBY, for a full description of which reference is here made to an application for Letters Patent of the United States filed on February 15, 2002 and assigned Application Serial No. 10/049,710;

WHEREAS, Kaneka Corporation, a corporation organized and existing under the laws of Japan, having a place of business at 2-4, Nakanoshima 3-chome, Kita-ku, Osaka-shi, Osaka 530-8288 Japan, hereinafter called the "Assignee", desires to acquire the entire right, title and interest in and to the invention and the patent application identified above, and all patents which may be obtained for said invention, as set forth below;

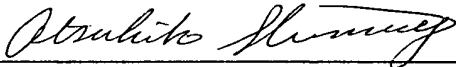


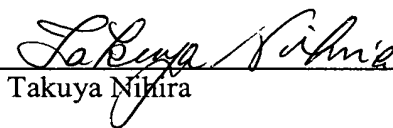
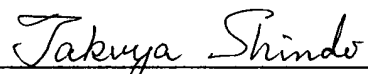
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other valuable and legally sufficient consideration, the receipt of which by the Assignors from the Assignee is hereby acknowledged, the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer to the Assignee, the entire right, title and interest for the United States in and to the invention and the patent application identified above, and any patents that may issue for said invention in the United States; together with the entire right, title and interest in and to said invention and all patent applications and patents therefor in all countries foreign to the United States, including the full right to claim for any such application all benefits and priority rights under any applicable convention; together with the entire right, title and interest in and to all continuations, divisions, renewals and extensions of any of the patent applications and patents defined above; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for all such patents.

The Assignors hereby covenant and agree, for both the Assignors and the Assignors' legal representatives, that the Assignors will assist the Assignee in the prosecution of the patent application identified above; in the making and prosecution of any other patent applications that the Assignee may elect to make covering the invention identified above; in

vesting in the Assignee like exclusive title in and to all such other patent applications and patents; and in the prosecution of any interference which may arise involving said invention, or any such patent application or patent; and that the Assignors will execute and deliver to the Assignee any and all additional papers which may be requested by the Assignee to carry out the terms of this Assignment.

The Commissioner of Patents and Trademarks is hereby authorized and requested to issue patents to the Assignee in accordance with the terms of this Assignment.

IN TESTIMONY WHEREOF, the Assignors have executed this agreement.

DATE:	<u>JUN. 1 1. 2002</u>	<u></u> Atsuhiko Shinmyo
DATE:	<u>JUN. 1 1. 2002</u>	<u></u> Kou Kato
DATE:	<u>JUN. 1 1. 2002</u>	<u></u> Yasuhiro Yamada
DATE:	<u>JUN. 1 1. 2002</u>	<u></u> Takuya Nihira
DATE:	<u>JUN. 1 1. 2002</u>	<u></u> Takuya Shindo